IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7349 OF 2005

Sunil Pandurang Naik Applicant
versus
The State of Maharashtra Respondent

Mr.M.D.Parab for applicant.
Mr.R.Y.Mirza, APP for respondent.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 30th November 2005

PC :

1. Applicant is the Manager of Sawantwadi Consumer Society Limited. Alleged irregularities noted by the Auditor during the course of the audit carried out in 2001-2002 and reported in March 2003, lead to an FIR being lodged alleging offences under sections 406, 408, 420, 467, 468 and 471 read with 34 IPC.. The report is lodged by the C.A. who was at the relevant time auditor of the society. Application specifically alleges that auditor’s report as well as F.I.R. does not name applicant as responsible for irregularities, although it is true that at the relevant time, he was Manager of the society. The entire action is with a view to malign applicant on account of rivalry. It is pointed out that the allegation is specifically against four employees. Although, applicant was an employee of the

society, but as far as day to day affairs are concerned, he was not in-charge of the same and the society was functioning through its Secretary. The applicant, by name, has not been specifically referred to in the complaint lodged.

2. I am informed that another co-accused who had filed Criminal Application No.7472 of 2005 is ordered to be released on bail in connection with CR No.48/2005. Learned advocate appearing for applicant seeks parity. He submits that applicant is permanent resident of the address mentioned in the cause title. He submits that applicant will co-operate the investigating authority and furnish all required documents and information.

3. Accordingly, following order :-

(i) In the event of the arrest of the applicant in connection with C.R.No.48/2005 registered with Sawantwadi Police Station, the applicant shall be enlarged on bail subject to furnishing P.R.Bond in the sum of Rs.25,000/- (Rs.Twenty five thousand only) with one surety in the lime sum;

(ii) The bail is granted subject to condition

that the applicant will attend the concerned Police Station twice a week on every Mondey and Thursday between 03.00p.m. to 05.00 p.m. till the charge sheet is filed;

(iii) The bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the Police Officer/Investigating Agency. The applicant shall not tamper with the prosecution evidence.

(iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(v) This order will enure to the benefit of the applicant only till charge sheet is filed. Thereafter, he will be free to apply to the appropriate Court for appropriate relief.

(vi) Application is disposed of in the above terms.

(S.C.DHARMADHIKARI, J.)